



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,281	01/26/2004	Syuji Maruta	009683-497	6487
21839	7590	09/12/2007		
BUCHANAN, INGERSOLL & ROONEY PC			EXAMINER	
POST OFFICE BOX 1404			LEWIS, CHERYL RENE A	
ALEXANDRIA, VA 22313-1404				
			ART UNIT	PAPER NUMBER
			2167	
			NOTIFICATION DATE	DELIVERY MODE
			09/12/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
debra.hawkins@bipc.com

## Office Action Summary

Application No.

10/763,281

Applicant(s)

MARUTA ET AL.

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to the applicants' communication received on June 14, 2007.
2. Claims 1-23 are presented for examination.
3. The applicants have not amended, cancelled, or added any new claims.
4. Applicants' arguments with respect to claims 1-23 have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul et al. (Publication No. US 2001/0032151 A1 filed April 18, 2001, priority to provisional document no. 60/198,098 filed April 18, 2000, hereinafter Paul) and Pineau (Publication No.: US 2003/0184793 A1 filed March 14, 2002).

7. Regarding Claims 1 and 4, Paul teaches an internet presentation system.  
The method and associated system for an internet presentation system includes:

a form of a virtually sorted area to store information sorted by each prescribed condition (¶0039, 'rearrange') for a prescribed condition (¶0043, '..users can order

miniature sound playback devices attached to the picture.); an information adding portion adding additional information to sortation (§0031 '...the user to create and modify...'); an acquisition portion acquiring from a different image processing apparatus information (§0031-0033); a comparison and display portion comparing the additional information acquired by acquisition portion from different image processing apparatus (§0032-0037) with additional information added by information adding portion to sortation and displaying similar additional information (§0032-0033); and a registration portion selectively registering one of the additional information displayed by comparison and display and additional information (§0031, element 24, 'uploading').

However, Paul does not expressly teach memory.

Pineau teaches memory (§0027).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the internet photo service of Paul's method with the digital photo service of Pineau because Pineau's digital photo service could enable the internet photo service of Paul's method to upload content from a content upload device to a content server, wherein the uploaded content consists of digital photographs that are stored in a memory device after the upload process has been performed.

8. Regarding Claim 2, Paul teaches the additional information registered by the registration portion is identical to a prescribed item included in the additional information acquired by an acquisition portion from a different image processing apparatus, an information adding portion adds to a sortation portion information of destination of a link,

information of the destination of the link being information of an access to a sortation portion included in a different image processing apparatus (§§0032-0037 and 0041).

9. Regarding Claims 3 and 6, Paul teaches an input portion inputting a name serving as additional information and prescribed item is name (§§0033-0034).

10. Regarding Claim 5, Paul teaches information adding portion adds to sortation portion additional information acquired from a different apparatus (§§0032-0037).

11. Regarding Claim 7, Paul teaches acquisition portion acquires from different image processing apparatus information including additional information added to a sortation memory portion of a different image processing apparatus and information of a date and time of registration of additional information with different image processing apparatus (§§0032-0037 and 0041).

12. Regarding Claim 8, Pineau teaches a supplementation portion supplementing the additional information added to sortation memory portion and registration portion registers additional information supplemented by a supplementation portion (figures 1 and 2).

13. Regarding Claims 9, 10, 12, the limitations of these claims have been noted in the rejections of claims 1 and 7 presented above. They are therefore rejected as set forth above.

14. Regarding Claim 11, the limitation of this claim has been noted in the rejection of claim 1 presented above. In addition, Pineau teaches a storage portion storing sortation memory portion (§§0027).

Art Unit: 2167

15. Regarding Claim 13, the limitation of this claim has been noted in the rejection of claim 1 presented above. In addition, Paul teaches a decision portion deciding whether there exists in the image processing apparatus of interest additional information added by the information adding portion and an erasure portion driven by a result of a decision made by the decision portion (§§0032-0037 and 0041).

13. Regarding Claim 14, the limitation of this claim has been noted in the rejection of claim 1 presented above. In addition, Paul teaches a detection portion (§§0032-0037 and 0041).

14. Regarding Claim 16, the limitation of this claim has been noted in the rejection of claim 1 presented above. In addition, Paul teaches a return notification portion (§§0032-0037 and 0041).

15. Regarding Claims 15 and 17-23, the limitations of these claims have been noted in the rejections of claims 1-8, 11, 13, 14, and 16 presented above. They are therefore rejected as set forth above.

#### **NAME OF CONTACT**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

Art Unit: 2167

number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/  
Patent Examiner, A.U. 2167  
September 4, 2007